

**COMMISSION CONFERENCE****SEPTEMBER 4, 2002**

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Present: Mayor Naugle  
Commissioners Hutchinson, Katz, Moore, and Smith

Also Present: City Manager, City Attorney, and City Clerk

Mayor Naugle with the consensus of the Commissioners moved the meeting to the First Floor Chambers for this agenda item due to the amount of people present.

**I-A –Federal Courthouse Rebuild/Expansion Program**

The City Manager stated that the City Commission at their last meeting provided some direction to Staff and the GSA regarding the location of the new Federal Courthouse. During the past weeks, the Chief Federal Judge and the legal community gave their input regarding the importance of retaining the presence of a Federal Courthouse in the City of Fort Lauderdale. The Chief Judge's preference for the location of the courthouse was a site known as the South Side School Site. Today, the Commission would be provided an update regarding the discussions held with the Federal Judiciary and the GSA, and would be provided the opportunity to obtain input from the residents and the legal community regarding the potential site. The City Manager stated that Dale Ross, Chief Judge for the 17<sup>th</sup> Judicial Circuit, former Commissioner John Aurelius, Representative of the County Bar Association, and several representatives from the Downtown Development Authority were present to state their comments on this issue. Citizens from the surrounding community were also present to voice their concerns regarding the utilization of a park located in the area of the proposed site.

The City Manager continued stating that Mr. Mike Roper of the GSA was present at today's meeting and would give a report. He stated that on July 16, 2002, the City Commission instructed the City to develop a proposal of several sites and did exclude the potential site that was being discussed at this time, which was the preference of the Chief Federal Judge. He explained that after receiving input tonight regarding this site, they wanted to tailor the proposal for the site with suggested parameters and conditions that would possibly address the community's concerns. The City Manager explained that Mr. Roper was prepared to respond to the conditions and suggestions that would be made. He felt it was important for this City to provide a site suitable for building the new Federal Courthouse that was owned by a single owner, which could accelerate the funding for the site by Congress, but yet realize maximum return on the replacement site of the current Federal Building to purchase property, if necessary, for mitigation regarding the park. At the same time, they would be able to fund the building of the Courthouse so higher and better use could be obtained from the property and it could once again be placed back on the tax rolls.

The City Manager continued to explain there were benefits for the City to offer a site that would accommodate the Federal Courthouse, address concerns relating to the historic character of the school on the site, and give definite assurance to the community regarding replacement of park land, and yet have the presence of the Federal Courthouse in Downtown Fort Lauderdale. The proposal they hope to develop after this session would allow them to accomplish all these objectives.

*Mr. Mike Roper*, of the General Services Administration, stated that he was representing the GSA and the Federal Court today. He further stated they were looking for a proposal from the City for an exchange of properties. A site suitable for the new Courthouse had been identified as the South Side School Hardy Park Site. He explained they were looking for this to be offered to the government in exchange for their existing building. He further explained this represented a no-cost site, and therefore, they would be asking Congress for less money for the site and possibly move up on the waiting list due to the reduction in cost.

Mr. Roper stated that some conditions were suggested regarding this site, specifically that they would retain and incorporate the South Side School structure in their plan. He confirmed they were agreeable to such a request. He further stated that they would use the old two-story structure as the main entry point

for the new building which would house the security screening. The canopies around the edge of the property would also remain and they were within the security setback which was required for the Courthouse. Another condition suggested was the representation of the community in the development of the design for the new Courthouse. Mr. Roper stated they recently had a very successful situation in Miami where a new contract was awarded for a \$120 Million Courthouse construction project in which the community participated in the design.

Mayor Naugle stated that on July 16, 2002, the City Commission voted for four other sites north of Broward Boulevard after a charrette had been conducted, and he proceeded to ask why those sites chosen were not suitable, and why the South Side site was being insisted upon.

Mr. Roper stated the South Side site was preferable for several reasons. One of the reasons was the new security setbacks which were required. This site was large enough where some of the other sites were not. He further explained that the neighborhood was closer to the center of the legal community and this was the main draw for the Federal Court.

Commissioner Moore stated that Mr. Roper mentioned this proposal as an exchange of property and proceeded to ask who owned the Hardy Park site. Mr. Roper replied that he believed the City owned the park and the School Board owned the school. Commissioner Moore asked if someone could be more specific on the ownership.

The City Manager explained that the School Board had put the site out for bid in the past along with the North Side site. The school was owned by the School Board, and the City owned the park known as Hardy Park. It was currently in joint ownership. He felt they should keep in mind that during another process another entity recommended that money be given to Fort Lauderdale for acquisition of the South Side School site which would then place everything into one ownership and facilitate matters.

Commissioner Moore recognized State Representative Christopher Smith at the meeting. Commissioner Moore asked that if there had to be an acquisition of the School Board site where would the City get the funding for that purchase. The City Manager stated that funds made available through the Land Preservation Board were still available and could be used for acquisition of the property. Then, they could move for the proposed exchange. He further stated that there was a commitment from the County government regarding other funds that could be obtained.

Commissioner Moore asked if the funds were part of the Broward County Land Preservation Bond Funding, how they be used to build a Federal Building. Commissioner Smith explained that with the parameters for Land Preservation only 10% of the land could have a structure built on it.

Commissioner Moore stated that Mr. Roper spoke of the community's input regarding the design of the site and the School site being used as the entrance way for security thereby salvaging it as an historic relic, but nothing was mentioned about open green space. He further stated that in the past week he received many e-mails regarding open green space and continued to ask if any consideration was given to this issue in the development of the site.

Mr. Roper remarked that was one of the primary uses of the 100' setback area around the property. He continued to reference the site in Miami and stated the site was comprised of 7 acres and a large open public park was being given to the community. Commissioner Moore clarified that he was referencing a passive park. Mr. Roper confirmed.

Commissioner Moore reiterated that when the Commission discussed this matter in July, he received many calls regarding the Judge's preference for the South Side site. He was very concerned about this because that preference was never mentioned to the Commission. He stated that he had asked if the South Side School site was the only one being considered and the response he received from Mr. Roper was that it would be downtown Fort Lauderdale. Commissioner Moore reiterated that they were never

informed that there was a preference for a particular site.

Mr. Roper stated that previously he was representing GSA and not the Federal Court. They now had made their desires known in the past few weeks.

Commissioner Smith stated that the crowd represented at today's meeting was the largest one he could remember in some time. He continued stating that it would be great if they could come to some conclusion that would take care of the government's needs, but yet retain the park for the community. He hoped that possibly another site could be considered for the project. Commissioner Smith stated that the site identified for the project was an area where the community had a suburban atmosphere, but was still close to the downtown area. He stated that he looked at the area behind the jail and wanted them to consider such a site. He felt the river on the north would create a barrier, the jail to the south would create a barrier, and bridges were to the east and west. If a pedestrian promenade was created, this could be a site that would be beneficial to everyone. Riverwalk could be completed, developers could finish some housing complexes, and the community could still retain their park. He realized the Chief Judge and other members of the legal community desired to place the Family Court on the site, but he felt other sites could be used for that purpose. He felt the Federal Courthouse was more important. He continued to ask Mr. Roper to consider this and give his opinion later on during the meeting as to the feasibility of such a proposal.

Mr. Roper stated that he had not seen that site and asked if it was as close to the County Courthouse as the site being proposed. Mayor Naugle asked if this site had been considered. Mr. Roper replied he had never seen it and it had never been considered for the project. Mayor Naugle asked if the Federal Judge was aware of the site. Mr. Roper replied as far as he knew, the Judge was not aware of the site mentioned. He continued stating that in their opinion there was a minimum size that would be appropriate for the project, which was five acres. Commissioner Smith remarked that he felt the sites were similar in size. Commissioner Smith suggested that possibly this meeting be postponed so the site could be visited and considered.

*Judge Dale Ross* stated that the site Commissioner Smith suggested was the site chosen for the Family Court Building, and was not large enough for the Federal Courthouse and would not meet the security requirements. Mayor Naugle asked who from the Federal government visited that site. Judge Ross explained the Federal government did not review the sites, but he was part of a committee that did review the sites. He explained that the County government did not have sufficient funds to go to other locations unless they moved west, and he did not want another satellite courthouse. Mayor Naugle asked if it was possible to have the Family Court where the Federal Courthouse now stood. Judge Ross replied it was not possible. Commissioner Moore asked if the City came forward with land they owned and donated it for the Family Court, could that be a possibility. Judge Ross replied it was not a possibility. He explained that he needed a building that was contiguous with the current building because he did not want to divide up his Courts. He continued stating that he did not want to transport prisoners and did not want people running from one building to another. He explained that they reviewed various sites over the last six to seven months.

Judge Ross explained that the County owned the proposed site, and therefore, they did not have to expend funds to buy land. He also stated that the State Court System fully supported the South Side location. He further stated that they envisioned a legal community south of the river where they could walk from one building to another. Judge Ross continued stating that as a State Judge why should he be concerned about what the Federal Government did, but in thinking things through he felt it would be a tragedy if the City of Fort Lauderdale was the only large city in America that did not have a Federal Courthouse. From a business point of view having the legal community clustered in one spot was very beneficial.

Judge Ross proceeded to state that the plan was that there would be an exchange of property regarding the park. They would not eliminate a park, but acquire another one within close proximity.

Commissioner Smith stated that this was an important matter and anyone wishing to give their opinion should be permitted to speak during today's meeting. Mayor Naugle confirmed.

*John Phillips*, attorney, stated that he lived in Fort Lauderdale and also owned Brownie's Tavern, South Andrews Café and Deli, and was a participant in the South Andrews Business Association. Mr. Phillips remarked that the City Commission was not comprised of any attorneys. He stated that when he heard about this project he felt assured of the continued growth in the area. He further stated that he had not previously heard about this project until he learned of the formation of the Ad Hoc Committee of business people making recommendations for the site. He continued stating that Mr. Roper made various points during that meeting regarding the preservation of the South Side building. The entire park was not needed for the project.

Mr. Phillips stated that the legal community felt it was illogical to place this Courthouse at any other location. The site would easily be accessed by everyone involved. He further explained that the Federal Court was a kinder court which was comprised of limited issues. He distributed copies of pictures of courthouses in other cities to the Commission. He stated that great cities wanted courthouses. It was ludicrous to suggest that it should be anywhere else. He further stated that it would not ruin the park. He urged the Commission to focus upon the fact that the community did not need the entire park.

*John O'Neal* stated that the park was an integral part of the community and urged the Commission to keep this park at the south end of the City.

*Reed Tolber*, attorney, stated that he owned the old Fire Station across the street from the South Side High School. He stated that he bought the property in 1987 and the community was not concerned about the condition of the property across from him. He stated that the Federal government was the only party interested and willing to restore the building on the site. He also stated that a swap could be made regarding the park. In reference to the property behind the Courthouse as suggested by Commissioner Smith, he stated it was not large enough and due to security reasons it was his opinion that the river would have to be completely shut down.

*John Aurelius*, representing the Broward County Bar Association, stated that the President of the Association was at today's meeting with him, and they represented over 2500 lawyers in the community. He explained that they passed a resolution that was forwarded to the Commission recommending the South Side School site. He further explained that the reason for having this courthouse at the proposed location was not only due to synergy, but the opportunity of losing the potential building was incomprehensible. He stated that there were two issues involved in this matter. One was traffic which had not yet been addressed, and the other was the park. It was his opinion that 90% of the people present at today's meeting who were opposed to this project were there to speak in support of retaining the park. He stated that everyone said take the site, but condition it upon replacement.

Mr. Aurelius continued stating that when he sat on the City Commission he suggested the idea of a Parks Needs Assessment. A parks bond was passed based on the criteria set up by the Commission. He explained it was time to do a Parks Needs Assessment. Places in District IV, III, II and I were not served. He believed they should take this opportunity for the District and replace equipment and expand on opportunities being made available. Mr. Aurelius stated that a Master Plan should be done for the south side of the river in connection with traffic and the proposed large buildings. The Bar Association urged the Commission to place the project at the most logical site to insure the growth of the City.

*Karen Newman* stated that she lived in an apartment building near the park and that it was a meeting place for the community and a recreational area for the citizens. In her opinion she felt it was lunacy to move the park and the building from their present sites.

Commissioner Hutchinson stated that if this project came to fruition, they had no intentions of displacing

Hardy Park all the way to Broward Boulevard and Third Avenue. If anything was relocated, it would be closer to the community.

*Jim Dunmeyer*, Vice-President of the Federal Little League, stated that the league used the park as a supplemental practice facility. They were opposed to the destruction of the park and felt it would place a hardship upon the team members and erode the quality of life for the community. Mayor Naugle asked if a ballfield was relocated and provided for the players would he still object to the project. Mr. Dunmeyer remarked he would not object to the building of the courthouse under those conditions, but at the same time he could not wait forever for the replacement. A new location had to be provided before they took away the old site.

Mayor Naugle asked if a site could be provided for the park in close proximity to Hardy Park would the people still object to the project. He reiterated that the Commission was not interested in taking the park away from the community, but were willing to work with everyone involved. Due to events which took place throughout the Nation over the last few years, security measures were increased and safety needs were reassessed and sacrifices made. Mayor Naugle stated that the discussion taking place today was for the purpose of finding a way to accommodate the Federal government's needs for a secure courthouse and making sure that the people using the facilities would be safe, but still giving the neighborhood their recreational facilities. He stated that he hoped a better facility could be provided for the community.

Mayor Naugle stated that he had been the founder of the Tarpon River Civic Association and when boundaries were discussed for the Association he suggested extending them to Andrews Avenue so that the park could be included in their community and it could be defended. The alternative was that the City would not have a Federal Courthouse. He continued stating that he did not want to live in a city where there would not be access to all the courts. He believed that most residents felt there was a need for the courthouse.

Commissioner Hutchinson stated that no one wanted to take away what was currently available to the community. She felt they were being put in a tight position because they were all visionaries for the City. She believed it was right to have a Federal Courthouse in the City and not to send it elsewhere, but at the same time she intended to protect her District and the residents of the City. She reiterated that the park would be relocated and she had no intentions of losing Floyd Hull or Hardy Park or anything else in the southern end of the City. She explained that the time frame for this project was 2006-2007. She reiterated that something could not be taken away without it being replaced.

*Judy Sommers* stated that she represented the grandsons and granddaughters of the pioneers. She asked the size of the present location of the Courthouse. Mayor Naugle replied it was inadequate for the new building. Ms. Sommers stated that other sites had been chosen for the project, and continued to ask why they were not being considered.

Commissioner Hutchinson stated that other sites had been on the table, but Mr. Roper explained they were not large enough to accommodate the 100' setbacks that were required. Ms. Sommers asked if it would be possible to have this placed on the Referendum. Mayor Naugle stated that this decision had been made by a Federal Judge and had the latitude to make these types of recommendations. He further explained that if it was placed on the Referendum whether or not to have a Federal Courthouse in the City limits, it would be used as an advisory and then they would make their decisions.

Ms. Sommers asked if this meant the City would have to accommodate a Federal prison. Commissioner Smith explained that currently the Federal prisoners were renting space in the City Jail. She believed this discussion was premature due to the fact that not enough information had been supplied. She asked if they had anything to say regarding the school building. Mayor Naugle replied that the City had declared the school building historic and they wanted someone to restore it. Ms. Sommers stated that if the community was going to be asked for their input, she would feel more comfortable about the project.

*Gary Heckler* stated that he lived in Tarpon River and was representing the Broward County Green Party. He continued stating that he heard a lot of discussion regarding parks to be built by the City and bond money was voted upon, but yet they were talking about giving the City a free loan to purchase the property, and then give it to the Federal government. He felt that was not the purpose of the bond money. He explained that two of the ten-key values in the Green Party were grass roots democracy and community empowerment. He stated that the people present at today's meeting knew what they wanted, and they wanted Hardy Park. If the price was a Federal building or courthouse, that's okay. Mr. Heckler continued stating that they understood the importance of small businesses and this was what every community should be striving to obtain. He explained that in this case, you were talking about a group of lawyers and judges who did not live in the area, people that came in and used the community for their ends.

Mr. Heckler stated that he felt the Commission had already made up their minds and that this deal would go through no matter what. He further stated that the community was saying they did not want this, and they respected the Commission taking the issue off the July agenda, and he hoped the Commission would stand by that decision. If the "Feds" could not live with this, then he felt they should go elsewhere.

*Kelly Manning*, President of River Oaks Civic Association, stated they had no parks. She stated that two properties in their neighborhood had been nominated and accepted as protected areas, but they were both lost. She hoped someone would come forward and restore the school and not build any large buildings on the site. She felt that the Judge and the Federal government needed to be more open-minded, including the Commissioners. She stated that their Commissioner had been left out of the loop and she should have been provided the courtesy of being informed. She added that the community's desire was to have more green space.

*Ann Murray* reminded the Commission of some bitter history. She stated that this was once again where the community wanted to preserve some green space and felt that blue space was becoming more important. She continued stating that they thought a compromise had been reached regarding Smoker Park and were promised that the apartments would be no higher than four stories, but they were seven stories above a two-level parking garage. The Riverside Hotel addition was supposed to have been set back from the river, but instead it was on the river's edge. She asked, "who was minding the store." The City was now considering building a Federal Courthouse at Hardy Park resulting in the loss of more precious green and blue space, which would cause an increase in traffic in the area. Ms. Murray stated that starting with the Master Plan fourteen years ago and continued diligence on the part of residents, Tarpon River had become a desirable place to live. She asked the Commission to vote no on this project and protect the green space. She added also that Snyder Park was a passive park and not a recreational park.

*Mike Rieser* stated that the area had minimal parks and they were used by families on a daily basis. He continued stating that no one mentioned how many stories the new building would be, and he added that the community did not want the safety of their families jeopardized by having a Federal Courthouse in the area. He felt this project would change the whole outlook of the neighborhood.

Mayor Naugle asked Mr. Roper if he knew the height of the proposed building. Mr. Roper explained that it would probably be about five or six stories.

Commissioner Smith stated that possibly the South Side School site might be appropriate for the Family Court and asked if the Judge was still present at the meeting. Since he was not, Commissioner Smith stated that he hoped the Judge was watching and would consider such a suggestion.

*Jeryl Madfis*, President of the South Andrews Business Association, stated that their position was to keep the park and replace the school or relocate the parklands closer to the communities who used the facilities. She stated they welcomed having a Courthouse in the area, but their concern was so it would be designed well. She explained that they desired to have a pedestrian friendly street, which would

Require a mixed-use and a higher amount of density than what the community might desire. She stated that the retail could eventually bring in the mass transportation that the City desperately needed. She reiterated that the Association was in favor of the courthouse as long as the community could participate in the project. Ms. Madfis also stated that they were in favor of improving the South Side school and felt that it deserved to be a site of historic importance.

*Jim Perry* stated that for the last fifteen years he had looked at the South Side School and was thrilled that the Federal government decided to clean up the site. Unfortunately, the City had never renovated the property since it had been abandoned, and he appreciated the plans coming forth to rehabilitate the site. Mr. Perry stated that he had been to the park and stated the park was presently under utilized. He further stated that if the community wanted the park, they should use it and they were not using it to its full capacity. He reminded everyone that the framers of our Constitution stated that if you didn't move forward, you would stagnate. He stated the County and the City were moving forward, but in some areas they were stagnating and needed to develop the potential for the area. Mr. Perry encouraged the Commission to move forward and have substitute programs for the recreation that would be displaced due to the project.

*Joe Purdle* stated that the feeling at the meeting today among the citizens was that a decision had already been made. He appreciate the comments made by Commissioners Moore and Smith, but they still felt that "a deal had been cut." Parking was never addressed, nor was the issue of increased traffic. Mr. Purdle stated that he had attended a charrette and Mr. Roper stated they had to make a choice. The charrette was well attended by attorneys, developers, owners of properties, and some people from Tarpon River, but the area was not selected. Mr. Purdle stated that the north part of town needed some improvements, not the south side. He stated that the south side of town was being murdered. He stated he was also an attorney and he found that he did better work staying out of courthouses trying to settle matters instead of going in them. He further stated that he did not want to lose the courthouse, but if the Judge wanted the property bad enough he would have to fight for it. He suggested the City not take monies from other places to build this project, but let the Judge go through the Federal process and for the media to be informed that one man was attempting to rule a whole city. No one had the opportunity to put him up against the wall.

Mr. Purdle stated that Commissioner Hutchinson had a special meeting recently with residents in Tarpon River. He stated that he was concerned about the fact that one person could rule the whole town. He asked for the opportunity to contact his Congressman and Senators at the Federal level. He suggested they inform the Governor about the fact that a Judge was attempting to "push around" a whole town. He continued stating that the south side did not need any more traffic or big buildings, but the South Side School site should be developed into something for the City. He reiterated that they needed to save Hardy Park. He stated that the community did not want this project on their side of town and he hoped the Commission would hold to what they had agreed to originally.

*Maria Rose* stated that she had been impressed over the years with what the City was attempting to accomplish. She stated that part of living downtown was to be able to have recreation in the area. She continued stating that she had doubts whether the park would be saved until she could see documentation to prove it. She commented that there were other potential sites chosen, but the Judge did not consider them. She felt there should be an open forum and ask the Judge why he preferred that site. She reiterated that she believed the quality of life for the whole community was being affected.

*Paul Rosen*, President of New River Development Partners, stated that Tarpon River residents had a huge commitment to their community. He stated that it was a powerful neighborhood which felt strongly about their quality of life. He further stated that the discussion today involved how that quality of life could be preserved with the potential of having an economic and potentially beneficial judicial impact on the City. He stated that if the Commission could create a situation where the quality of life would be maintained or enhanced, then the Courthouse would add to the fabric of the City.



*David Rose*, President of Tarpon River Civic Association, stated that the proposed site was part of the lives of the community of Tarpon River. He stated that in some respect Hardy Park was under utilized and in other areas was heavily utilized, but it was still important to the community. He expressed the desire that the Courthouse stay in the City and wanted the South Side School to be used properly, but today things were mentioned publicly that had not been stated before this time. One item mentioned was the fact that the park could be relocated. Mr. Rose stated that the people wanted to preserve Hardy Park. Everyone was in favor of the park and having good facilities in the area, and maintaining the quality of life, but a problem existed. There was a creditability gap between the citizens and the Commission. If this project was going to move forward and the park be relocated, more than just words were going to be necessary to accomplish this. Many issues had to be addressed, such as traffic and parking.

Mr. Rose stated that if they were going to look at other alternatives, they would have to move fast because the situation was changing daily. He stated the park provided many facilities for the community that were needed. He reiterated that the replacements should be done before the sites were taken away, and it should be explained how things would be done to the community, and where they were getting the funds for the project. He felt this should all be presented in legal documentation and stating all the facts. He believed the neighborhood should play a crucial part in the development. Mr. Rose stated that more time was needed and no commitments should be made until the package was presented.

*Carol Campbell*, Co-Chair of the Broward County Green Party, stated that people did cut through S.W. 7<sup>th</sup> Street and it would get worse. She continued stating that the idea that this park was the only site the "despotic" Federal Judge would accept was anathema to her. She did not understand why everyone should bend over for this Judge when he had been given other sites that could be used. She continued stating that the fact that he was stuck on using Hardy Park and would only consider that site or he would take the Courthouse out of the City, she felt the community should not allow themselves to be held hostage to his "childish behavior."

Ms. Campbell then stated that she did not understand the destruction of existing structures in order to replace the park, and proceeded to ask Commissioner Hutchinson where the park could be placed where there weren't already existing structures. Commissioner Hutchinson replied that property would have to be purchased and they would have to look for property that was not homesteaded, and possibly talk to FP&L regarding recent purchases they had made, but it would have to be done constructively. Ms. Campbell believed that you would have to exert eminent domain or spend a lot of money demolishing existing structures which would be environmentally unfriendly in order to erect a building on a green space. She stated that she did not believe hearing the City Manager talk about using bond money that had been approved to purchase the South Side School as an open green space, and then turn it over so it would no longer be a green space. She felt that would be an abuse of the bond money. Ms. Campbell asked at what point did the Commissioners and the non-elected people who control people's lives with no accountability look upon themselves with shame. She continued stating that the City was not a monolithic organism they had to keep feeding. She felt the quality of life was being diminished for the citizens while they were advancing the City. She also mentioned that there was a cemetery in the area and this issue was not being discussed. She felt the City needed to honor those individuals buried in that cemetery.

Mayor Naugle stated that during the construction of the railroad in Fort Lauderdale in 1896 the School Site was the town's original informal cemetery. When the City built the Evergreen cemetery, everyone was relocated. He stated that this was an issue that the Federal government was aware of.

*Janet Freezica* stated that she lived in Tarpon River and was also an attorney. She stated that she liked walking to the courthouses in downtown and appreciated the need of having them close together, but that was the attorneys' problem. She continued stating that Hardy Park was used and it was nice to just look at.

*Susan B. Peterson* stated that she owned property in Tarpon River and lived in River Oaks but spent time

in both neighborhoods. She stated that she felt the air quality in Tarpon River was superior to the air at her home on 18<sup>th</sup> Street. She continued stating that she had spent a lot of time defending the preservation of park space and recreational facilities.

Commissioner Moore left the meeting at 3:11 p.m. and returned 3:14 p.m.

Ms. Peterson stated that in her opinion Tarpon River was really progressing and had the possibility of becoming a very charming area which would enhance real estate values. She believed there was a lot of land on the north side of the river that was in serious need of redevelopment. She continued stating that the neighborhood was getting younger and the park was used by everyone. She hoped to move to that area when she was ready to retire. Ms. Peterson continued stating that the time frame disturbed her and she felt a decision should be delayed. She also stated that she was very proud of the City's responsible government and the City Commissioners because they really listened to the citizens, but she felt having a Federal Courthouse in the area would reduce the quality of life. She felt that they should place value upon the charm of the neighborhood.

*Rebecca Covey*, resident of Tarpon River and an attorney, stated that she implored the Commission to save Hardy Park. She stated that she had the utmost respect for courthouses and everything those institutions represented and did not feel qualified to address where the courthouse should be built, but she felt many things had to be considered before undertaking this project. She said that regarding the four proposed sites comments were made that some of the sites were not large enough, but then Mr. Roper remarked that he had not even visited one of the sites mentioned. She asked why the alternative sites were not being addressed. She hoped this was not a done deal and hoped the Commission would analyze this and give it careful consideration. She reiterated that she heard the reason for the courthouse to be built on the preferred site was due to synergy, convenience for the lawyers, the lawyer energy downtown, and the fact that the City should have a Federal Courthouse. She boiled the matter down to legal synergy versus a beautiful green park that would be around for a very long time. Ms. Covey stated that as a lawyer she had the opportunity to visit many courthouses in many cities and stated that the courthouse in Palm Beach was not near the State Courthouse, and they were not within walking distance of each other. She asked the Commission to examine what was legal synergy and what was the real purpose of it, and was it something that could outweigh what the citizens were saying they wanted.

*R.J. Erkle*, resident of Sailboat Bend, stated that he was a renter and future home owner for Tarpon Bend. He further stated that he was disturbed by what appeared to be a decision that had already been made, and he felt that it was important that everyone receive an equitable playing field in what was going to take place. He continued stating that the Judge appeared to be very adamant about his choice and was not even interested in hearing what the citizens had to say. Mr. Erkle stated he was against the change for the neighborhood.

*John Fleming*, resident, stated that over the past years he found it necessary to contact Federal entities and had to go outside the area to do this and he was convinced that a stronger Federal presence would greatly improve life in general, including the security of the City. He felt they should not rely solely on local entities regarding security, especially when the Federal government handled things better. Mr. Fleming asked if possibly the existing Federal Building could be expanded since it was only two floors in height. He felt there was a lot of wasted space and open air in the building. He felt the development of the downtown area had been greatly suppressed in the past compared to other surrounding cities. He felt it was time to develop the downtown area and particularly in adding a larger Federal presence. Mr. Fleming also stated that it might be appropriate to place this building in Hardy Park since it was near the judicial buildings, but on the other hand the existing building had a lot of wasted space.

*Andy Ziffer* stated that he was aware of everyone's concerns regarding security and realized that Mr. Roper wanted to be located within the legal community, and he felt the Chili Pepper Site and some of the others recommended by the charrette were closer to that community. He reiterated that it should be in Fort Lauderdale, but in the right location.

*David DiNafrio* used to own a home in the area and sold it and bought a home in the Las Olas area. He stated that he met many friends in Hardy Park and urged the Commission to save the park.

*Sara Horn* stated that in the last eight years the City had changed the density in Tarpon River and other parts of the City. She felt in the next ten years the increased density would be at 100%. She stated townhouses were being built everywhere and all the people needed a recreation area. They would be giving up Hardy Park and the dream that South Side School could be combined with the park to make a larger downtown park. She stated there was no park land in the immediate downtown area south of the river. She also stated that some of the voting citizens would have to be displaced in order to create another park, and small pocket parks were not what people wanted. She reiterated they wanted contiguous parks. She emphasized that the Commission needed to consider the downtown, the neighborhood, and the green space. She also believed that Tarpon River needed to be consulted regarding future plans of the area.

*Robert Koenig* stated that he did not want them to take his bond money. They were not entitled to it and he did not want it used for such a project. Monies that were granted should be done so in the proper way. If the money was going to be used, the citizens should have had the opportunity to voice their opinions. He continued stating that he was home watching the meeting on television and when he heard Judge Ross say NO as emphatically as he did, he felt this man could be replaced. He urged people not to listen to everything that was being said. He told the citizens they were the owners of the Federal Courthouse because they were the taxpayers and they should get in touch with the Governor to have this matter straightened out and the Judge could be replaced. He urged the residents to listen to their dollars because the money was put into a bond and was voted upon in good faith, but now things were getting abused and he was not pleased about the matter. Mr. Koenig suggested they redevelop the existing building since it had a lot of dead space. He continued stating that it was the citizens' pocketbooks and minds that were being abused, and if they didn't use their minds as well as they could, then no one was to blame but themselves.

*Ruth Marks*, Vice-President of Tarpon River Civic Association, thanked the Commission for allowing the neighborhood to make their presentations. She felt valid comments were made regarding the project and should be considered. She continued stating that she was not convinced that after all these discussions that it would not come down to the Judge getting his way or there not being a courthouse. She also stated that the neighborhood was willing to support the Commissioners in their decision making and they wanted the City to survive. She stated that she was concerned that someone could come in and not even meet with the Commissioners to explore alternatives for this building, and yet rule what was to be done. She asked the Commission to defer this matter so that better negotiations could be held. She also stated that the neighborhood and the developer, with the assistance of maps, attempted to explore ways in which recommendations could be made regarding replacement of the park and other changes to the area. She remarked that this information was available to the Commission if they desired to receive it.

Commissioner Hutchinson thanked everyone for their input and she felt this was one of the biggest decisions she had to make since being in office and it was very difficult. She reiterated that the neighborhood was an integral part of the project. She remarked that in the past she had been an activist and now was an elected official. One of the biggest developments in the County was the Airport and she stood up against them even though she did not win the war, she knew she would win a battle and did with the help of the Commission at that time. She explained that she won it with \$11 Million for her neighborhood and the City she now represents. Her area received a \$1 Million passive park which was built for Edgewood since they had been impacted the most by the project. She was very proud of that and now she felt she was going to lose the war, but again would not lose the battle. She stated that she would take trust out of the equation simply because she understood what the citizens were feeling in not trusting the City to keep their open space and assure their quality of life. She reiterated that the Federal government could do what they wanted and could either do it with the City or without it and this concerned her greatly because she wanted to be a part of the decision no matter what.

Commissioner Hutchinson stated that she met with Mr. Rosen and his Board about mitigation. She felt there was a lot to discuss between the City and GSA in reference to the project. She believed that once they sat down at the table with a site better discussions would occur regarding traffic. One of her concerns was in reference to the park land and how it could be replaced. She was concerned that if there was a swap to the City, she wanted a guaranteed funding source and wanted the Commission to do so in order to let the residents know that if this happened, they would still have a park before the existing one was taken away. She reiterated that this was not a done deal and she was only giving her comments before the Commission would speak so they would know her feelings on the matter.

Commissioner Hutchinson stated that she wanted to see sufficient revenue from the transaction of the existing Federal Courthouse to the City identified to insure the replacement of park land and open space for the area. She also asked for a commitment from the Federal government and the GSA in saving and restoring the school. Tree canopy was a big issue and many trees in Hardy Park buffered the substation in the area and she asked Mr. Roper that the trees either be incorporated into the project or moved to places that the neighborhood would deem appropriate. They appeared comfortable with such a suggestion.

Commissioner Hutchinson continued stating that she wanted to take the bond money off the table because the citizens were right. The existing \$2 Million slated for the purchase of South Side could not be used for further acquisition of property. It was her understanding that Commissioner Rodstrom had \$1 Million available for a discretionary project, which all the Commissioners had, and he had committed that money to the replacement of Hardy Park. Commissioner Hutchinson further explained that there was additional funding in what was known as Phase III that would be available. She agreed that the neighborhood needed to be involved in whatever planning process would take place.

Mayor Naugle remarked that this would not be a final discussion and other meetings would take place. Commissioner Hutchinson reiterated that her biggest concern was the funding source, which in her opinion was non-negotiable.

Commissioner Moore wanted to compliment the community on coming forth and stating their concerns. He stated that he was in a dilemma in hearing Mr. Roper's comments on exchanging property and he had many questions. He continued stating that if the Judge's desire was only to have this building on the south side of the river, he should have told the Commission that at the beginning. If there was a concern about synergy in reference to the courthouses, meetings were held and the Judge could have stated those desires. Commissioner Moore asked for a clarification from Mr. Roper regarding the fact that the only way the City would get involved in this process was to offer the Federal government land and that would push the City up in the process.

Mr. Roper confirmed and stated this could happen two to three years before construction began on a new courthouse. He explained the City could own the existing courthouse and resell it to a private party and have funds available for other projects. Commissioner Moore stated that the Federal government would give the City the existing courthouse in exchange for a site in the future they did not presently own. Mr. Roper stated at that point the City would own the existing courthouse and the government would rent it from them because they would continued to operate at the location until the new building was constructed. Commissioner Moore stated that could possibly take away the land preservation money. If the government gave the City the existing courthouse and the City looked at the possibility of selling the building, while the Federal government was a tenant, the City might be able to get the necessary funding to deal with the land acquisition that the School Board now owned. Commissioner Moore asked if this was to be the City's strategy.

The City Manager confirmed and stated that when the District Commissioner mentioned sufficient funds from the transaction in order to insure that funding would be available for mitigation and acquisition, this was what the City had in mind.

Commissioner Moore stated there was real affinity to this site due to the fact that it was in close proximity to the court system and had at least five acres of land. Mr. Roper confirmed stating that it also had adequate security setbacks. Commissioner Moore asked if there was property centered about the present location that could be assembled to give the government the five acres on the south side of the river and still be near the courthouse, would they consider the proposal. Mr. Roper replied if it was close to the State Court he saw no reason why it should not be considered.

Commissioner Moore stated that he was offended when people voiced their concerns that this was a done deal. He felt they were looking at all the issues at hand in an attempt to make the best decision for everyone involved. He also stated that if the government's true issue was security and close proximity to the other courts, and the Commission was willing to utilize their time and resources to accomplish such a deal, did they have any problem with this. Mr. Roper replied he did not have a problem, but there was one issue the Commission needed to be aware of, which was that in most cases it was difficult to find a site large enough to serve their needs without closing an existing public street. Mr. Roper continued stating that the South Side School and Hardy Park locations were areas that traffic patterns would not be disturbed nor would there be a street closing. Commissioner Moore felt if there was a choice between closing a park and closing a street, as an elected official he would prefer to close the street.

Commissioner Moore stated that he wanted to keep the South Side issue alive, but he also wanted to know there could be deliberate discussions about the government's desires. He felt they had a clear indication that their desire was only to be located on the south side of the river, only near the courthouse, on a large enough parcel of land, and he wanted to know this so that the community could offer their recommendations. Mr. Roper stated that if the discussions could produce a site equal to the one chosen or better, then they would be agreeable to consider it.

The City Manager stated that since Mr. Roper was here representing GSA, it was in fact the Judge's call that had to be addressed. He continued stating that he and Mr. Roper would take back to the Chief Judge the concerns of the community and the Commission, but it was not Mr. Roper's call in this case, and he felt they could continue to work together to come up with the best approach for this project.

Commissioner Smith stated that he was impressed with the residents of Tarpon River. He felt having a Federal Building in their community was important and they should try to work together as a team to make this happen. He also stated that he fully intended to be a team player when the Commission made their decision regarding Hardy Park. He believed they had two choices. They could either listen to the community or accept the edict laid out in the newspaper, but he felt that was not the way governments were supposed to work. He did not think the Federal Judge wanted things to happen that way, nor did the Federal government expect things to work that way. Commissioner Smith stated that Commissioner Moore was "right on target" in asking if they could explore the matter some more. Needs were understood, but he hoped they understood the community. He reiterated that he felt Mr. Roper agreed that more exploration was possible and he hoped that was the case. If more charrettes were to be done, he did not want any more charrettes to be charades. He felt a lot of work was put into this by the community, and for them to subjugate the process and abandon it leads to a distrust in the government. Commissioner Smith felt they all needed to work harder.

Commissioner Katz stated that at the risk of being redundant she also wanted to say that it was heart warming to see everyone come and give their opinions on keeping Hardy Park. She explained that the difficult situation for the Commission was that they had to balance being park lovers with the economic vitality of keeping the courthouse in downtown Fort Lauderdale. She stated that she agreed with Commissioner Smith about the hard work people put into the charrettes and then were ignored. She was concerned with the fact that if a decision was not made by October, she heard the Judge was moving on. She reiterated that they needed to move quickly. Commissioner Katz stated that if the proposed site was the only place the courthouse could be built, then she agreed with Commissioner Hutchinson that all the mitigation issues had to be part of the bargaining.

Commissioner Moore stated that he did not want to go through a charade and if there was no other desirable site for the project, he wanted to know this now. Mr. Roper stated that it was reported in the newspaper exactly what the Judge had to say. However, if the process identified by Commissioner Moore earlier could produce something as good or even better within the next month, Mr. Roper felt the Judge was reasonable enough to consider such a proposal. He was not sure if that could be done.

Mayor Naugle stated that the Commission would speak as a body with one voice which was very important. He continued stating that he wanted to appoint Commissioner Hutchinson to represent the Commission in this matter, and that the City Manager assist with a committee made of representatives from the neighborhood at the table, along with Commissioner Hutchinson, and some involvement with the Judge and other legal community representatives. He further explained that he wanted other opportunities explored. Mayor Naugle stated they also needed to discuss the parking issue. He reiterated that he had confidence in Commissioner Hutchinson in representing the Commission in this matter and he hoped issues could be resolved.

Mayor Naugle continued stating that it was frustrating dealing with a Judge's decision. He stated that this City had been turned on end with the Pottinger decision regarding homeless in the parks due to a decision by a Federal Judge that caused stress on the City. He continued stating that many people felt having a new Federal Courthouse would be an economic boost to the City, but he was not sure if he agreed with that statement. He felt not having a Federal Courthouse in the City would be bad for the City.

Commissioner Moore recommended that someone from the County sit on the committee as well. Commissioner Hutchinson and Mayor Naugle agreed that was an excellent suggestion. Commissioner Hutchinson stated that she was willing to serve on such a committee and wanted to be part of the discussions. She clarified that South Side was back on the table and tasked the City Manager that this needed to be done yesterday. She felt if they were going to try and find a parcel they could assemble, they needed to move very quickly.

The City Manager replied they had looked at some potential sites and he had asked staff to continue to look at other sites and this was presently being done.

Mayor Naugle stated that this matter was concluded and the meeting would now move back upstairs.

Meeting reconvened on the 8<sup>th</sup> floor at approximately 4:17 p.m.

**I-B -- Florida Department of Transportation (FDOT) Proposed traffic Safety and Operational Improvements on S.E. 17 Street between S.E. 10 Avenue and Federal Highway (U.S.1) and Davie Boulevard between State Road 7 (U.S. 441) and I-95**

*Dennis Grisgen*, Traffic Engineer, stated that the FDOT would give an overview of the two projects being proposed.

*Leopold Jiminez*, Project Engineer for FDOT, explained that they were attempting to reduce accidents along the corridor, improve traffic operations and improve access management.

*Wael Majdalaw*, Engineer with Progressive Design and Engineering, stated that the first project was from Davie Boulevard to I-95, the second project would be Davie Boulevard at I-95, and the third would be US1 and 17<sup>th</sup> Street Causeway.

Mr. Majdalaw stated that he would begin explaining the first project. He explained that this particular corridor was No. 27 on the FDOT graph and there were an excessive amount of accidents in this area. A map was shown to the Commission which explained this project. He also stated that there were an extreme amount of pedestrian problems in the area. He explained they were trying to beautify this

corridor where the median could be used for landscaping. He believed that this project would improve the turning movements at the intersections, reduce the hazards, and provide pedestrian crossings at the medians.

Commissioner Smith asked for more details on the signal timing. Mr. Majdalaw stated he was not sure if there were existing fiber optic cables in the area, but since new signals were going to be installed, there would be proper fiber optic cables.

Commissioner Moore stated that the residents in the area met with FDOT and were able to give input regarding safety, and the landscaping design was approved by the community, including the unincorporated areas.

Commissioner Hutchinson stated that this was a great project and the community was in favor of it. She stated that since they would be digging for the Water and Sewer Master Plan and since this was an unfunded project, how could they work together so work would not be done twice. She asked if there would be some sort of coordination regarding these projects.

*Greg Kisela*, Assistant City Manager, stated there would be coordination throughout the whole process so work would not be duplicated.

*Cindy Bucher*, Co-Chairman of Davie Boulevard Civic Association, stated this team was doing a great job in working with the community.

Mr. Majdalaw stated that they valued the input from the community and it helped to make this project successful from the beginning.

Mr. Majdalaw explained that the next project was Davie Boulevard at I-95. He began to give his presentation. A map was shown explaining the project and the present conditions in the area.

Mr. Jiminez stated they were asking for the Commission's support and the next step would take them to the MPO. The projects would take approximately 3-5 years.

The next project was in connect with the main entrances to the beaches which was US1 and the 17<sup>th</sup> Street Causeway.

Commissioner Moore left the meeting at approximately 4:35 p.m. and returned at 4:36 p.m.

Mr. Majdalaw stated this was a heavily traveled area. He explained there were approximately 41 accidents at this intersection per year. At Miami Road there were 29 accidents per year. Mayor Naugle asked how many accidents there were on 10<sup>th</sup> Avenue. Mr. Jiminez stated approximately 7 per year, but unfortunately there had been a recent fatality in the area.

Commissioner Smith asked if the traffic increased since Eisenhower Boulevard had been closed off. Commissioner Hutchinson believed it would increase. Mayor Naugle suggested that they needed an elevated roadway that would go through the Port. Mr. Jiminez stated that he believed the Port was going to do some type of access control, but was not sure of the location. Commissioner Smith stated that possibly they needed to obtain some funds for improvements on 17<sup>th</sup> Street since it would be accommodating an increase in traffic.

A map was shown of the proposed conditions at this site.

Mr. Majdalaw stated the existing problem was a heavy westbound left-turn lane. He proposed they would add a triple westbound left-turn lane within the existing right-of-way by converting one of the lanes, and widening the receiving lanes. Mayor Naugle asked at what areas were triple lanes used. Mr. Majdalaw

explained there were such lanes at the Turnpike and Commercial Boulevard. He stated this would be an operation called a "Split Phase Operation" which meant that the westbound lanes worked separately from the eastbound lanes.

Commissioner Hutchinson asked if the median on the east side on 17<sup>th</sup> Street would remain the same. Wael Majdalaw stated it would remain the same and further explained that a provision could be made for a pedestrian overpass on the south side which would require an additional right-of-way. Commissioner Moore remarked that idea was no longer an option. Mayor Naugle stated that no one ever used them.

Mr. Majdalaw stated that the median on the east side would be extended and they were removing the signal from Miami Road and creating more of a pocket for the westbound left-turn lanes from 17<sup>th</sup> Street to US1. He further explained that they were replacing the signal at Miami Road with a directional only.

Mayor Naugle asked what type of community input had they received because many people he spoke to in the area were not aware of this project. Mr. Majdalaw stated they had not discussed this with the community as of this time. Mayor Naugle stated they needed to possibly have some type of public hearing to discuss the project. Commissioner Hutchinson stated there were many concerns about the amount of traffic that would filter onto 10<sup>th</sup> Avenue and circle the school. Mayor Naugle proceeded to ask if they could do what they had planned at the intersection of 17<sup>th</sup> and Federal Highway now. Mr. Majdalaw explained they needed to extend the storage for the westbound left-turn lane.

Mr. Jimenez explained they wanted to provide enough space and storage to take care of the heavy traffic. Mr. Majdalaw stated they would also connect 19<sup>th</sup> Street with 10<sup>th</sup> Avenue.

**ACTION:** City Commission to write letters of support for the Davie Boulevard projects. Hold off on the 10<sup>th</sup> Avenue project for now because it needed further community input, and since Federal and 17<sup>th</sup> Street depended on the storage lane, the community could offer their input regarding that issue also.

Mr. Majdalaw stated that this project would cost approximately \$1.2 to \$1.5 Million.

**I-C – Zoning In Progress for height and Density for Barrier Island Development Regulations - Barrier Island (Central Beach Area and North Beach Barrier Island)**

Mayor Naugle stated that this was a confirmation of the Commission's previous discussion. Commissioner Smith stated that he felt there should have been a clarification included on the hotels. Commissioner Katz agreed and stated possibly it had not been included.

*Elizabeth Holt*, Construction Services, stated that the Barrier Island Zoning and Progress Regulations simply affect the height of all zoning districts which exceed 150' or more, and includes only residential density. Hotels were excluded and CB north of Oakland Park Boulevard.

Mayor Naugle asked if everyone agreed. There was a consensus of the Commission.

**ACTION:** Approved as presented.

**I-D – Amendments to Unified Land Development Regulations - Administrative Site Plan Amendment Process and Criteria for Site Plan Level III and Site Plan Level IV**

*Don Morris*, Planner, Construction Services, stated that due to the Commission's request at their July 16, 2002 meeting, staff met with the Commissioners that were available and received input regarding the administrative review process and the development review process in general. From the administrative standpoint, major changes included requiring increases in height, floor area, as well as reductions in setbacks for yards, and would be subject to Commission call-up. Currently this was not the case. The



present procedure was that there could be increases and decreases up to 10% without Commission call-up. This provision would require that any request for increase in height, floor area, or reduction in setbacks or yards would automatically be subject to call-up.

Don Morris further stated that they were also requesting a proposal to eliminate the Director's authority to permit temporary uses of land, and this had not been used in the past and would not be used in the future. In the procedure now, there was a 30-day period for call-up and they suggested that since this was an administrative review and the reason was for expediting the process, the call-up period would be reduced to 10 working days. He stated that from a development review standpoint, they were going to require applicants to supply a narrative describing the overall architectural style and important design elements of the project at the time of submittal. He explained they would require threshold buildings to undergo periodic architectural inspections throughout the construction phase of the project. Mayor Naugle remarked that was to prevent foundation creep. Don Morris agreed. He stated this concept had been taken from the Building Department who used threshold building for structural engineering requirements.

Mayor Naugle remarked that if they did not comply, they could be asked to tear down the project.

Don Morris stated that it was also suggested that staff look at expanding requirements for oblique aerials for computer modeling.

Commissioner Katz stated she felt that 10 days was not enough time and it should be 15-20 days for a call-up. Commissioner Moore stated he would agree to 15 days and Commissioner Smith agreed.

Consensus of the Commission to 15 days call-up period.

Commissioner Katz asked why the artist's renderings would not be included. Commissioner Smith remarked that they were embellished a lot and really didn't exhibit what the project could possibly look like upon completion. Commissioner Katz stated they needed to know what they were approving and at least the renderings were some indication of what the project would resemble.

Mayor Naugle stated that an artist rendering meant an artist painted what it could look like, and suggested that possibly there could be a computer-aided design that could be used. Don Morris stated the artist's plans show very mature landscaping and the project might not resemble those drawings for a few years. He explained further that they could not hold them to renderings, but could hold them to what was presented to the DRC on the plans.

*Greg Kisela*, Assistant City Manager, stated that the 3-D Models helped to understand the neighborhood impact, but did not give some of the architectural features.

Commissioner Hutchinson left the meeting at approximately 4:55 p.m. and returned at approximately 4:58 p.m.

Commissioner Katz stated they wanted to see the architectural features. Mayor Naugle stated that if something was included in the renderings and not on the plans, during call-up they needed to be included in the plans. Commissioner Moore did not feel that was a true statement because if the developer began construction and changes were made to the proposed visual, but were still similar, what difference did it make. Commissioner Katz stated there was no difference as long as something was included where it should have been. She explained the problem was when things were completely deleted.

Mayor Naugle stated it was always easier to have a blank wall and when they showed architectural features and then eliminated them, problems arose.

Don Morris explained that the threshold inspections would help prevent some of the architectural

elements from disappearing, such as windows and doors. Commissioner Moore asked if the inspectors had the authority to stop the construction. Don Morris stated they would report to staff and then they would actually stop the work if necessary.

*Cecelia Hollar*, Director of Construction Services, stated that unless they provide everything in the threshold inspection, they could not stop the project totally, but could let them continue working on some other part of the project.

Commissioner Moore asked what would happen with the tax projections for the property. If they did not get the CO would they miss the money projected, or was there a way to collect it.

The City Attorney, stated that the theory for tax purposes was "substantially complete," and not necessarily with a CO, but if it was not issued due to an action they took, they could argue and have the Property Appraiser place it on the tax roll because the fact it was not completed was due to the developer's inaction. The City would certify it for occupancy but didn't because of something the developer did not do. Then, it would be up to the Property Appraiser to make the determination if it was substantially complete. Commissioner Moore suggested they find a way to do this. Mr. Steward stated that a lot of COs were issued in late January and February, and many were designed not to go on the tax rolls as of January 1<sup>st</sup>, but with due diligence on the City's part come December if they were substantially complete and ready for a CO and it appeared they might not get it, they could have the Property Appraiser place it on the tax rolls.

Ms. Hollar stated that with the Commission's concurrence they would proceed with the processing. Mayor Naugle agreed.

Commissioner Katz stated that the 10% increase in height should be reduced to 5%. Commissioner Smith felt there should be none. Mayor Naugle asked for further clarification on this issue.

Ms. Hollar explained that the present code provides for 10% and their objection was to maintain this with the understanding that it was subject to Commission call-up. Commissioner Smith stated that he preferred no increase at all. Mayor Naugle agreed. Commissioner Katz stated she would go in the middle. Commissioner Moore stated that it was an improvement having the call-up. Commissioner Hutchinson agreed.

Consensus was up to a 5% height increase and floor area with the provision of a Commission call-up.

Ms. Hollar reiterated that the change in reduction was that if someone wanted to reduce the height by 50%, they should be able to approve this.

Commissioner Katz remarked that it stated to "continue to permit minor cosmetic alterations of the external facade provided the overall architectural style was not changed" and she felt they should also say that there is no reduction in the detail work.

**ACTION:** Administrative review reduce from 30 days to 15 days call-up period. Reduced height increase to 5'1" and floor area with call-up provision.

**I-E – Bermuda-Riviera Homeowners Association - Amendment to SideYard Setbacks in the RS-8 Zoning District.**

*Kevin Erwin*, Construction Services, stated that at the request of Commissioner Katz at the July 2, 2002 Commission meeting staff began working with the Bermuda-Riviera Homeowners Association to investigate their request for a 7 ½ foot setback in the RS-8 Zoning District where there was currently a 5 foot setback.

Mayor Naugle asked if anyone had any objections to move forward with this item. Commissioner Hutchinson stated there were no objections. Commissioner Katz asked if there could be a zoning in progress.

*June Page*, President of the Bermuda-Riviera Homeowners Association, stated they were asking to have the City change its 5 foot side setbacks to reflect the setback in the Warranty Deed which was 7 ½ feet. It would be zoning in progress. She asked how this would work time wise.

Mayor Naugle stated they would have to schedule this for Planning and Zoning, and then the ordinance readings would take place by the City Commission, which would probably take about 3-4 months, and meantime no one would be able to obtain a building permit within the setback.

The City Attorney, stated that this would not apply to applications that were in the process at this time.

*Cecelia Hollar*, Director of Construction Services, stated that presently the deed restrictions had some flexibility for odd-shaped lots so they would process this with the same flexibility, and they would be considered zoning in progress.

Commissioner Moore left the meeting at approximately 5:08 p.m.

Ms. Page also stated that the odd-shaped lots and the corner lots had all respected the 7 ½ foot setback with one exception which was a real estate speculator who precipitated this request. She remarked they did not permit odd sized lots to be different according to their point of view.

**ACTION:** Established zoning in progress for 7 ½ foot setbacks.

**I-F – Section 47-19.3 - Boat Slips, Docks, Boat Davits, Hoists and Similar Devices – Modification of Berthing Envelopes for Properties at Canal Ends in the RS-4.4 and RS-8 Zoning Districts.**

Commissioner Katz stated that the reason she brought this back was there were concerns in the community. She thought they had worked out a compromise with staff, but it was her understanding that this had to come back to the Commission so the compromise could be worked into play. She asked if this could be deferred so all the people could come forward and voice their concerns.

Mayor Naugle asked if this had to go for an ordinance. Commissioner Katz stated that it was an ordinance change, but the way it presently read was that it went to 2 ½ feet.

Commissioner Moore returned to the meeting at approximately 5:08 p.m.

Commissioner Katz stated there could be the reduction, but the neighbors would have to agree and it would have to go before the Board of Adjustment.

The City Attorney stated it could be zero if it was approved by the Commission and the neighbors. He further stated that Planning and Zoning and the Board of Adjustment could go to 2 ½ feet. If there was no agreement with the neighbors, it would come back before the Commission.

Mayor Naugle stated the ordinance was necessary to accomplish this.

Commissioner Katz stated that the community was not in agreement and different people and different homeowners' associations wanted the 2 ½ feet changed to 5 feet.

*Bob Dunkel*, Assistant City Attorney, stated that he was uncertain as to what that consensus was and were they allowing the Commission to go to zero, yet the Board of Adjustment could only go to 5 feet.

Commissioner Katz stated that she thought the agreement was for 5 feet.

Mayor Naugle reminded everyone that this was going to come to the Commission as an ordinance. Commissioner Katz stated the ordinance was going to be drafted and she wanted it to be drafted in a way the whole community was not going to object to it.

Commissioner Smith asked how the majority of the homeowners felt this should be drafted. Bob Dunckel stated that they wanted to modify the test of the ordinance so the Commission would only have the capacity to modify them to 5 feet, and instead of the Board of Adjustment going to 2 ½ feet, they could only go 5 feet.

Commissioner Katz stated this was the first step since it was changing how they looked at making use of boats being docked in the waterways, and they wanted to move slowly. If this satisfied everyone, they could proceed.

Mayor Naugle suggested it be advertised and it could be amended, if necessary, at the first reading.

Commissioner Smith asked if this could be reduced today. Commissioner Katz replied it could not because it was in a 10 foot setback area.

Mayor Naugle stated at the first reading it would be for a 5 foot setback instead of 2 ½ feet.

*Mark Stephenson*, resident, stated that he heard some of the arguments as to why some of the homeowners did not want this. It was the uniqueness of the different properties and the application of a rope formula under the ordinance as it currently exists which gives to some property owners on the sides of the canals and at the ends of the canals, the difference between total access to the water and zero or minimal access to the water.

Mayor Naugle clarified they were only discussing the ends of the canals regarding reductions. Mr. Stephenson confirmed.

*Harry Stewart*, City Attorney, stated that he had never met Mr. Stephenson, but he did consult on a lawsuit which he filed against the City regarding riparian rights. Therefore, he asked Mr. Dunckel to handle this matter.

Mayor Naugle asked if there was a consensus to come forward with the 5 feet for the first reading and then discussions could take place at the public hearing.

*Joe Hessmann*, Chairman of the Marine Advisory Board, stated that the Board and Mr. Dunckel had done a superb job, and this was a very serious issue in the City. He further stated that if this problem was not solved, the Board had to vote against Code and it was very disturbing to the Board Members. He asked the Commission to move forward and take the next step in solving this problem.

Mayor Naugle stated that it was being moved forward for two readings and discussions could take place at the public hearing.

Commissioner Smith stated this matter was only regarding canal ends, and Joe Hessmann was talking about the entire davit and hoist issue that had been ongoing.

*Cecelia Hollar*, Director of Construction Services, stated that there had been a workshop on this matter and one of the suggestions was that they get someone with expertise from the industry to advise them.

Commissioner Smith asked if funding was available to hire such a consultant. The City Manager

confirmed that money was available. He suggested that the current City Attorney had some expertise on this matter and could possibly help them out.

**ACTION:** Ordinance to be presented for first reading for 5 feet.

**II-A – Proposed Purchasing Contract Extensions for the Fourth Quarter of 2002 (October to December)**

Commissioner Katz stated that she wanted to clarify this matter since there appeared to be a difference of opinion on whether they were going to send out an RFP or accept another extension on the concessions.

*Kirk Buffington* stated that there were some errors on the report. The contract was extended twice and was in place since 1995 and it had unlimited extensions available. He stated the correct revenue amount was \$148,000 and not \$128,000. He explained the original contract was for three years and two-year extension options.

Mayor Naugle stated that staff was recommending it be rebid.

Commissioner Smith stated that he wanted something different to be done with this because he was concerned about what was offered at the beach. He felt that they did not offer enough. He explained there was a Canoe Club and they wanted to add canoes, but staff refused because there was a backlog of people wanting to put stuff on the beach. Staff explained the policy was that nothing else could be put on the beach. Commissioner Smith disagreed and felt there were more opportunities for the beach. Therefore, he wanted to give the present provider a six-month extension, and proceed to ask the ULI in November to discuss how amenities could be added to the beach.

Mayor Naugle stated that he thought this extension only pertained to chairs. Commissioner Smith explained that possibly this guy should extend his services. Mayor Naugle stated that they needed a policy regarding this issue. Commissioner Smith explained that the present policy was that you could only have one contractor providing one service in a special area. Mayor Naugle stated that the Commission had a policy that there be more options available to beachgoers.

The City Manager stated that two different issues were being confused with one another. He stated that the present contract was for chairs and umbrellas. There was a different policy regarding watercraft and recreational equipment which was limited. There was a trial period to supply some additional amenities but nothing happened.

Commissioner Smith stated this was a comprehensive issue and they needed to plan better what went on the beach. He suggested that the Beach Redevelopment Advisory Board discuss the matter and then have it taken up holistically.

Mayor Naugle stated that the ULI could discuss this, but he did not think that this was an item they were going to address. He also mentioned that this could be brought before the Beach Redevelopment Advisory Board for discussion. Mayor Naugle reiterated that this contract was up for renewal at this time, and other additional amenities could be done independently.

Commissioner Smith suggested an extension for six months. Commissioner Moore stated that they should do an RFP and have the Beach Redevelopment Advisory Board research other options. He felt they should proceed forward so revenue would not be lost. Commissioner Hutchinson stated that she had no problem extending the contract as in the past. She asked why staff didn't just put out an RFP. Mayor Naugle asked if they had the option to extend the contract for one year.

Kirk Buffington stated that if the City and the contractor agreed it could be extended for any amount of time.

Mayor Naugle stated that a one-year contract would be a good option. He felt due to a down-turn in tourism, they would not maximize their potential for return by putting out an RFP at this time.

Kirk Buffington replied that his office had been approached by three separate contractors with interest in the beach and they felt this was a good time to approach the matter.

Mayor Naugle stated that revenue was important, but at the same time many of these operations go overboard regarding commercialization and high-pressure sales. Complaints were never received about the present service and it supplied a decent revenue. Commissioner Moore questioned how much time and money would be involved in putting out an RFP to the interested individuals for these services.

Kirk Buffington stated it would not take that long and it could be on the streets within 30 days.

*George Platt*, attorney for Beach Management, stated that there was a good sense of pride with this concession, no complaints, and good products. Everyone was satisfied with this vendor, but the way the contract was worded was that if they gave notice to the City they wanted an opportunity to have the contract extended, the City could respond yes and the numbers were then negotiated. He stated that the City did not say no to the extension yet. He explained that they were willing to sit down and negotiate numbers and the contract could be for one or two years, but they were not given the opportunity to do this.

*Christopher Smith*, representing Bouche Brothers of Miami Beach, stated that since there was a down-turn in the economy the City did not want to take any chances. He felt Commissioner Moore's comment was right on point in that three people were offering to step forward, and if there was such a decrease in the economy, they would not be interested. He also stated that negotiating price was part of the RFP process.

Commissioner Katz suggested they keep what they had and negotiate the price and extend the contract for one year, and in the meantime other beach activities could be discussed. Commissioner Smith stated he preferred to extend the contract for six months, review the policy, and decide what type of RFP to put out. Commissioner Moore agreed with a six-month extension. Commissioner Hutchinson stated this was not an issue for her, but stated she would suggest a one-year extension. Mayor Naugle preferred to extend the contract for one year also.

**ACTION:** Beach concession contract negotiated for a one-year extension and then come back before the Commission for approval.

Commissioner Moore asked what kind of increase the City got in the last renewal. Mr. Platt replied it was 5% for each of the last two years.

## **II-B – Employee Health Insurance Benefits**

The City Manager stated they were asking for another actuarial review which would provide better numbers. He stated this could be discussed later due to it being a lengthy process or they could defer the matter until the meeting on the 17<sup>th</sup> after the reports were received.

**ACTION:** Item tabled to end of Regular Meeting.

## **III-A – Advisory Board Appointments**

### **Beach Redevelopment Advisory Board**

Commissioner Moore appointed Ina Lee to this Board.

**ACTION:** Appointment to be considered at Regular Meeting.

Board of Commissioners of the Housing Authority

Mayor Naugle appointed Reesa Watson to this Board.

**ACTION:** Appointment to be considered at Regular Meeting.

Cemeteries Board of Trustees

Commissioner Moore appointed Mary Boyd to the Board.

**ACTION:** Appointment to be considered at Regular Meeting.

Citizen Review Board

Commissioner Hutchinson appointed Arnold R. Cooper to the Board.

**ACTION:** Appointment to be considered at Regular Meeting.

Community Appearance Board

Mayor Naugle appointed Marni Canavan.

**ACTION:** Appointment to be considered at Regular Meeting.

Economic Development Advisory Board

Mayor Naugle appointed Pat DuMont to the Board.

**ACTION:** Appointment to be considered at Regular Meeting.

Local Law Enforcement Block Grant Advisory Board

The following individuals were appointed to this Board: Chief Bruce Roberts, Dr. Joseph Maleda, Carol Lee Ortman, Monica Hahive, Sandy Johnson.

**ACTION:** Appointments made during the Regular Meeting.

Planning and Zoning Board

Commissioner Hutchinson appointed Ellyn Bogdanoff to the Board.

**ACTION:** Appointment to be considered at Regular Meeting.

Commissioner Smith stated that he was concerned about the insurance issue being further down the agenda and there was never enough time for a complete discussion. He suggested that the City Manager receive the actuarial report and have it listed as the first item for the next conference meeting on September 17, 2002. He stated that it had budget implications involved and was a serious matter. Commissioner Smith stated he was not happy with the backup they received and hoped the report they received in two weeks would be different. Commissioner Katz asked if they could still discuss the matter this evening because she had some questions for the consultant. Commissioner Moore stated he had no

problem with that and hoped that Commissioner Katz's questions could then be addressed at the meeting on the 17<sup>th</sup>.

Mayor Naugle stated they would discuss the matter tonight and decide whether or not to delay further discussion until the meeting on September 17, 2002.

Conference meeting recessed at 5:42 p.m.

Conference meeting reconvened at approximately 12:25 a.m.

## **II-B – Employee Health Insurance Benefits (Continued)**

Mayor Naugle reminded the Commission that they had previously agreed to have the insurance report as the first item at the next Commission meeting in conference. Commissioner Smith agreed.

Commissioner Katz asked if they were going to discuss the insurance matter in any degree. Commissioner Smith stated that the City Manager asked to come back and report to the Commission in two weeks, but if people were present regarding the matter he felt they should be permitted to speak. Mayor Naugle agreed.

Commissioner Moore questioned the credentials of the individual that had been hired and asked if he was presently doing the work or would they be selecting someone to do an evaluation.

*Lloyd Rhodes*, President of Rhodes Insurance Group, stated that the person who would be giving a second opinion, John Irb, had not been engaged and was a senior consultant at Deloitte Touche in Miami and was recommended by a senior partner in Milwaukee. He was a consultant on the School Board of Broward County, and currently on Miami Dade's School Board. He stated that he was not an actuary. Commissioner Moore felt that an actuary was really needed to do the review.

Commissioner Katz stated that she was disappointed that some things were not anticipated that were included in the report and felt they were in a situation that things needed to be done quickly due to the tight market, and wondered if they should proceed with one of the alternatives suggested, including an HMO.

Commissioner Moore stated that he preferred to wait until September 17, 2002 and he believed that an HMO should be brought in. He further asked if they could enroll by January, 2003.

Lloyd Rhodes stated it would be difficult to meet that time frame, but it was not an impossibility. He stated that with the current self-funding plan, they identified that there were tremendous opportunities still available that could be examined, including the self-funded EPP or HMO options.

Mayor Naugle stated that they would have better information by September 17, 2002 meeting.

**ACTION:** Item to be placed first on the September 17, 2002 Conference Agenda.

## **IV – Commission Reports**

### **Municipal Election Timeline**

Mayor Naugle stated that he was very disturbed about a situation regarding a resident of Melrose Park who wanted to run for Mayor, but due to the residency requirement they were not able to. Evidently, there was a 3-day glitch in the process and he wanted to have the City Attorney review this and see if there was any way that the residents of Riverland and Melrose Park could run for an office without the six-month residency requirement. He realized a correction might only be made through a Charter



change, but he wanted to see what options were available to those people.

Commissioner Hutchinson explained it was not a 3-day glitch, and they needed to be residents before January.

The City Clerk explained it was six months from the date of the election and they would go by the primary election which would be February 11<sup>th</sup>.

The City Manager stated that the possibility came up during the annexation process. He stated he would be glad to work with the City Attorney on this matter.

**ACTION:** Report to be provided.

Purchasing Division Report on MBE/WBE

Mayor Naugle stated that he wanted to congratulate the Purchasing Division and the City Manager on the report received regarding Minority and Women Owned Businesses on procurement activity.

City Attorney

Mayor Naugle congratulated the new City Attorney on his first meeting.

Economic Summit

Commissioner Katz stated that she hoped the City Manager would be distributing some information on the Economic Summit. The City Manager confirmed.

**ACTION:** Report to be provided prior to the Summit.

SE/SW 2 Street Charrette

Commissioner Katz asked the Commissioners to set aside November 1<sup>st</sup> or 2<sup>nd</sup> for a charrette which would be privately funded for the University of Miami regarding work force possibilities on Second Street.

Mayor Naugle stated that he desired the neighborhood to hear about this first.

**ACTION:** None.

SE 15 Avenue Turn Lanes

Commissioner Smith asked if the matter of the S.E. 15<sup>th</sup> Avenue turn lanes had been solved off Las Olas Boulevard between Las Olas and Broward Boulevard. Commissioner Hutchinson stated they thought the matter had been resolved and there was a commitment from Lee Billingsley at the County.

*Hector Castro*, City Engineer, stated that it was still unfunded and there was also a right-of-way situation which could be difficult.

**ACTION:** A status report be given to the Commission.

National Urban Fellow

The City Manager introduced this year's National Urban Fellow, Mr. Jordan James, who drove from Iowa and would be focusing his attention internally. His primary goal would be to monitor the City's progress in addressing the concerns raised in the employees' survey.

There being no further business to come before the Commission, the meeting adjourned at 12:45 a.m.

**Note: A mechanical recording has been made of the foregoing proceedings of which these minutes are a part, and is on file in the office of the City clerk for a period of two years.**